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THE MISSOURI COMPROMISE.

SKETCH OF THE REMARKS

OF

JAMES O. PUTNAM,

UPON THE

NEBRASKA RESOLUTIONS,

IN SENATE OF STATE OF N. YORK, FEB. 3, 1854.

Mr. PUTNAM said: Mr. President—I cannot concur with the sentiment that the introduction of this subject is untimely, and legislative action is unnecessary. I think, that in the history of the question connected with these resolutions, New York has a vital interest. I think the State of New York would be false to herself, false to her past legislation on the questions which convulsed the country to its centre, when Missouri asked admission into the Union, if she did not now, thirty-four years after that action, at a time when all good faith is to be wantonly sacrificed and trampled on, if she did not most emphatically rebuke this project of the Senator from Illinois. I am unwilling to have these resolutions disposed of quite so summarily, and upon a silent vote.

Sir, let us look for a moment at the basis of the Union of these States. All free government is the result of mutual compromise. The government under which we live, has no other original basis.

The convention at Philadelphia, which framed the Constitution of the United States, represented the most extreme views, and the most antagonistic interests of the several States. Of all questions which patriotism was there called upon to settle, none more threateningly menaced the objects of the Convention than that of Slavery. At the South, Slavery had incorporated itself into all the relations of society. The character of Southern climate and products had stimulated this vigorous growth. While it had a nominal existence at the North, it had no such relations to northern capital or industry as promised permanency to the system. Hence arose the conflicting political and moral views in the convention on this great question.

After months of discussion, and of patriotic labor and sacrifice, their work was accomplished, the Constitution presented to the States. In the language of WASHINGTON, it was framed in the spirit of "amity and compromise."

The South consented to the partnership, provided she could be protected in her slave property by the restoration of her fugitive slaves. She also insisted upon a representation of her slave property, in Congress. Although the moral sense of the North was against it, she yielded to the first demand, and she yielded the second for an equivalent in the matter of taxation. These questions at rest, the Constitution was presented to the States for ratification. Here ensued another, and for a long time, doubtful struggle. But at length the last State gave in its adhesion, and then arose this government in its own proper beauty, and granite strength, to take its place among the powers of the earth.

The Northern Atlantic States were commercial States; commerce, everywhere a leading and controling element, ever has been, and ever will be, aggressive. And when united to it are the higher elements of civilization, it elevates where it subdues, and becomes the advance-guard of the institutions of Christianity.

The commercial spirit early discovered the importance of controlling the Valley of the Mississippi, and the outlet to the Gulf of Mexico. Mr. JEFFERSON, with a clear prescience of his country's future, appreciated the same necessity.

He opened the negotiation with France which resulted in the treaty of 1803, which secured to the United States the territory of Lousiana. In 1804, Louisiana, in pursuance of the treaty, was

erected into two territories, and the act so organizing the territory, made many restrictions upon the slave traffic. In due time Louisiana, proper, was admitted as a State, and of necessity and without objection as a slave State. So matters rested until 1819–20, when arose that storm which convulsed the country to its centre, and whose angry blasts still linger in our ears.—Missouri knocked at the door of the Union, and asked equal privileges with the other states. A part of the territory ceded by France in 1803, and of the Louisiana purchase, she was ready to enter the sisterhood of States. Sir, let us briefly review the history of that contest. Let us see the part acted by New York, in that controversy, and we shall be the better prepared to meet the argument of Senator Douglass. Missouri asked to come in as a slave State. The southern States insisted upon her admission as a matter of right. The northern States conceded the propriety of her admission as a free State, but denied the right she claimed to enter as a slave State. At the same time, the State of Maine, from the northern Atlantic coast, urged her claim to admission into the Union. Her right was unquestiond, but the southern States sought to authorize the admission of the two States by one act, for the purpose of securing the admission of Missouri with slavery. Such an act passed the Senate of the United States. The House of Representatives refused to concur, and Maine was admitted by a separate and independent act. Then the controversy was narrowed down to the admission of Missouri, and a great part of that angry discussion arose upon two amendments to the bill, authorizing the unqualified admission of Missouri, or amendments similar to them, introduced by two representatives from New York. Mr. Taylor, of this State, introduced an amendment to the act admitting Missouri, prohibitory of slavery in the State. Mr. Storrs, of New York, introduced another amendment, and which contains the principle of the ultimate compromise, and is in the following language:

"That in all that tract of country ceded by France to the United States, under the name of Louisiana, which lies North of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act, there shall be neither slavery nor involuntary servitude, otherwise than in the punishment of crimes whereof the party shall have been duly convicted." It also provided for the surrender of fugitive slaves.

Pending the debate upon the several amendments, raged that storm which threatened the very existence of the government. It was of this fearful conflict that Mr. Jefferson said it was "the most portentous that ever threatened the Union, that in the gloomiest moment of the Revolutionary war, he never had any apprehensions equal to that he felt from that controversy." It was in the midst of this conflict of opinion and passion that the "great Pacificator," Mr. Clay, invoked that principle which lies at the basis of all social and political organization. He called upon the country to make another sacrifice upon the altar of patriotism. He invoked the North to quiet the South by admitting Missouri, without restriction. He invoked the South to yield to the North, by surrendering *forever* the territory acquired from France, and lying north of 36 degrees 30 minutes, to freedom. A patriotism which this age may well imitate and revere, responded to the call. The principle of the amendment proposed by New York through Mr. Storrs, was adopted. Missouri became a sovereign State, with slavery, *but upon a consideration*, upon a solemn pledge, emphatic and irrevocable; solemn as plighted faith could make it, positive as enactments could decree it, that slavery should be forever excluded north of 36 degrees 30 minutes, from the Louisiana purchase.

After the admission of Missouri, Arkansas came into the Union with slavery. She was entitled to admission under the compromise of 1820. The North acquiesced, in good faith, paid the bond. The country has long regarded that question as at rest, not a rest for a generation or a century, but a final, and eternal rest. Sir, let me recur a moment to the action of the Legislature of New-York, pending this controversy.—On the 20th of January 1820, and while the controversy was the most violent, her Legislature passed a preamble and resolution, instructing their representatives in Congress "to oppose the admission as a State into the Union of any territory not comprised within the original boundary of the United States, without making the prohibition of slavery therein *an indispensable condition of admission*."

This sir, was the position of New York, and she would have resisted to this day, but for a compromise which surrendered a controverted right for a forever conceded advantage. There were within the then unknown future of the controverted territory, four States. New York with the other free States, insisted that all of them should come in with the slavery prohibition, the south resisted the demand. It was adjusted by yielding Missouri and Arkansas to slavery, and Nebraska and Kansas then undeveloped and unchristened, to freedom. Such was the bond.—New York has discharged her part of the obligation, will the South discharge hers? It is a question as vital as the very existence of the Union.

But sir, the Nebraska bill alluded to in the resolutions, declares the prohibition of slavery in the compromise of 1820 to be inoperative, and to be repealed by the compromise measures of 1850. This is a proposition easily stated.—Sir, the compromise of 1820, stood isolated from every other relation then present or future. It related *solely to the territory acquired from France*, and known as the Louisiana purchase. It might possibly have some bearing upon the permission of slavery in subsequently acquired territory south of 36.30. But if so, it would with equal force exclude slavery north of that line.

The Compromise of 1850 was independent of all past Compromises, and entirely original in all its bearings and relations. Let us examine its history.

The acquisition of our Territory from Mexico was the result of a *National* war, and whatever may have been the ethics of that contest, I regard that acquisition as the natural result of our institutions.

Had we not acquired it *when* we did, and *as* we did, its acquisition at some time, and in some

manner, was one of the facts of our destiny. So certain as the weaker yields before the stronger, so certain as an inferior society yields before the Superior power of a higher civilization, so certain as a keen scented, earnest, grasping commercial spirit, will overcome the indolent or effete systems that oppose its progress, just so certain was the star of our Empire to "Westward take its way," until it should mirror itself in the calm waters of the Pacific.

Our Mexican Territory was acquired by treaty and became National domain. Before we were fairly recovered from our surprise over so stupendous results, California knocked at the door of the Union with a free constitution, and demanded admission to the sisterhood of States.—The South was disappointed, she felt that the balance of power was departing from her. She said she had contributed her money and her men to secure this domain and she insisted that the flag of the country should protect her property in all its forms on every inch of this new National domain. The history of that contest which threatened, as I then believed, and now believe, the very existence of the Republic, is fresh in our memories. Amid most stormy controversy and most dissentient opinions, the Compromise measures relating solely to the territory acquired from Mexico, became fixed laws and institutions. If for the sake of a natural boundary a fragment was excluded from the Louisiana teritory it was not of consequence to change the principle.

The positions taken by Senator DOUGLAS are involved in two propositions. First, that these measures *repealed* the Compromise of 1820. Second, that they were the adoption of a new policy and doctrine, to wit: that any State has a right to demand admission into the Union, with or without slavery, irrespective of the location of its territory, or the manner of its acquisition.

Sir, I shared the sentiments of those northern statesmen who in 1850 were instrumental in bringing about that Compromise. I closely watched and personally listened to much of the debates in Congress during that angry discussion, and not a syllable every reached my eye or my ear sanctioning these alarming propositions. Is the Missouri Compromise repealed in terms? is it in spirit? Was it claimed in any speech of any member of Congress, North or South? No, sir; that Compromise stood alone, on its own basis, and forever inviolable. The Senator from Illinois declares that those magic words "The people of the United States do enact," &c., were more than creative. That they not only made a new Compromise in relation to new territory, freshly acquired, but without language to express it, or innuendo to allude to it, destroyed an adjustment in relation to the Louisiana purchase which we had held for nearly half a century, and under which the country had reposed in confidence for thirty years. Sir, this proposition is utterly unsustained. The Compromise measures of 1850 were not destructive. They constituted a new bond, a new *compact*, in its moral force, between the free and the slave States, in relation to matters wholly independent.

The acts that affixed the seal to this new bond, did not raze the seal from the old one. They left it untouched in letter and spirit It is there Sir Words cannot rail it off, casuistry cannot argue it away. To override it in the manner proposed by the Nebraska bill, would be subversive of all good faith, and good faith underlies the foundation of Republican empire.—Your most solemn enactments, are but idle parchment, and a mockery, under such construction.

But it is argued that the Compromise of 1820, was but a law, and may be repealed as any other law. I grant this to be its mere legal relation. I do not claim for it that it is technically a treaty, or a compact, or a constitutional provision, but I contend that in spirit, and of right it has *the binding force of them all.* While in form it was but a law, it was in fact a treaty, or a compact by which the Slave States, in consideration of the admission of Missouri with slavery, solemnly agreed that the territory north of 36 30, should be *forever* free. Can the South take and keep what we parted with, and now refuse the price, without consent of the other contracting party? Can she now say that a second compromise destroys the first? What will she say of a third compromise—that it destroyed the second? If this be the rule, the fewer compromises we make the better; and I apprehend this would be more than conviction with the North.

That this was a compact: was the view of all the statesmen and political writers of that time, I find that the Editor of *Niles' Register*, than whom few men were more accurate observers of political events, spoke of it as having the binding moral force of a constitutional provision. I read Sir, from *Niles' Register* of March 11, 1820, from an article entitled "The Slave Question," in which he says:—"It is true the Compromise is supported only by the letter of a law, repealable by the authority which enacted it, but the circumstances of the case give to this law a *morat force*, equal to that of a positive provision of the Constitution, and we do not hazard anything by saying, that the Constitution exists in its observance." This view met the written approval of the most eminent statesmen of that time.

Sir, this reasoning of the Illinois Senator, interpolates a fraud into the record. Who believes for a moment, that the measures of 1850, could ever have been passed, if they had contained in so many words a repeal of the Compromise of 1820? If in addition to what they gave the South, they had also declared that what was given to the North in 1820, and which alone calmed the storm that threatened to overwhelm us, was to be transferred to slavery? That that bargain was to be cancelled, and that too without the shadow of an equivalent. Sir, the proposition would have been trampled under the feet of an indignant people, with scorn and defiance. Sir, a bargain is a bargain, and because it is such, I, with multitudes of conservative men at the North, conceded to the South her fugitive slave act, in 1850. Let her beware how she forfeits our confidence in a good faith, which must be reciproc l, or bind nobody.

But there is another proposition more startling, if possible, than that I have noticed. It is that the measures of 1850, engrafted a new policy upon the government. That it relinquished all claim or right on the part of Congress, to regulate slavery in the territories, or give qualified admission to new States into the Union, come

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they from where they may. If this be true, Sir, the followers of the Veiled Prophet, were not more "dupes and victims" than we, who sustained the compromise of 1850. Because we acquiesced in granting to the South, nay insisted that there should be granted her, her constitutional rights; because, in addition, we were willing to yield something in the "spirit of amity," and that something expressly "nominated in the bond," did we yield everything? Did we turn propagandists of her institutions? From the organization of the government there has been but one opinion at the North, and hardly a divided one at the South, that slavery was an evil. That it degraded labor, that it weakened the strength of States, and aside from its moral considerations, of which I do not speak, was upon great principles of public policy, to be kept within its original limits. This was the policy of the government, and it has been waived only under circumstances, when concession seemed to be duty. To this we trace the action of the States in relation to the North Western Territory, and of Congress in relation to the Louisiana purchase. In this we have but followed the enlightened sentiments of all nations. Suppose the result claimed by the Senator from Illinois did not arise from the unseen magic of the measures of 1850, but from express enactment, what reason could be given for overthrowing this long settled policy? Did our fathers, and have we mistaken the effects of slavery upon society?—Does it really elevate labor, does it dignify States, does it tend to develope the highest elements of a people, to have this institution in their midst? Were our fathers in error, when by positive act they prohibited it from Ohio, Indiana, and Illinois? Was it a mistake on the part of our own State, that we abolished it years ago? No sir, no sir.

The reason for this policy grows more potent with every rising sun. The proposition, if true, sends us back to the dark ages of public opinion. Let me not be misunderstood in this connection. I have no sympathy with northern anti-slavery fanaticism. I have entertained extreme conservative sentiments on this subject. My opposition to the extension of the institution does not rest upon the humanity or the legalities of the relation of master and slave. Of these I say nothing; upon them I base neither sentiment or conduct; I look beyond and higher. I look at the result

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slavery within its limits, except under circumstances like those which have two or three times occurred since the formation of the government, and which can hardly again arise. Its abandonment will not be conceded through a falsified record. No, sir; the north, I trust, will ever adhere to the Compromises of the Constitution, and to all other compromises which patriotism, amid conflicting but honest opinion, has been called to make, but beyond this she must not be pressed to go. She is asked to keep the compact in good faith, let it be reciprocal, and she will keep it.

Sir, I distrust the source whence this Nebraska bill emanates. I say to the South, she should fear the Greeks offering gifts. It comes from a Presidential adventurer, who, in the last National Democratic Convention, received fewer votes than he expected, more than he deserved, fortunately for the country, not enough to secure his end. It comes from the peculiar representative of "Young America," who hold nothing sacred in the past, who oppose on principle or passion all conservatism, and run rampant over all institutions which interpose barriers to the attainment of their ends. I feel it my duty to do what my predecessor in 1820 did, and oppose this President hunting ambition I trust to "o'er leap itself." He voted instructions, thirty-four years ago, to our representatives, to oppose the admission of Missouri as a slave State. New York consented to that admission upon a solemn *compact*. That compact it is now proposed to violate, and that not in a bold manly way, but through a fraud and a cheat! If I could reach the ear of the south, I would exhort her to beware, that it is dangerous to accept this gift, that the honest convictions of many northern men deemed the Compromises of 1850 just and proper, and called for by the exigencies of the times, and affording a protection to the institutions of slavery, beyond which it was not safe to pass. I would say to her, we are a conservative people and a reasoning people, but we have also instincts. Reason is slow and calculating. Instinct is not slow, but rapid as the lightning, and consuming as the fires it kindles.

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